

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE



CASE NO.
MO11018-AC

VIOLATOR
Wanda Graham

ADDRESS (Street, City, State, Zip Code)

**Wanda Graham
1018 North Market Ave
Bolivar, MO 65613**

The Department of Agriculture has evidence that on or about **September 25, 2010**, you or your organization committed the following violation of Federal Regulations:

Entered for the purpose of showing or exhibiting, the horse "Really Impressive," at the Heart of America Fall Championship which was found sore.

The Horse Protection Act prohibits the following conduct:

15 U.S.C. § 1824(2) – Unlawful acts

"The (A) showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore, (B) entering for the purpose of showing or exhibiting in any horse show or horse exhibition, any horse which is sore, (C) selling, auctioning, or offering for sale, in any horse sale or auction, any horse which is sore, and (D) allowing any activity described in clause (A), (B), or (C) respecting a horse which is sore by the owner of such horse."

9 CFR § 11.2(a) – Prohibitions concerning exhibitors.

General prohibitions. Notwithstanding the provisions of paragraph (b) of this section, no chain, boot, roller, collar, action device, nor any other device, method, practice, or substance shall be used with respect to any horse at any horse show, horse exhibition, or horse sale or auction if such use causes or can reasonably be expected to cause such horse to be sore.

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since the violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS official.

APHIS OFFICIAL, (Name, Title)

**Sarah L. Conant, Chief, Animal Health and Welfare Enforcement Branch
Investigative and Enforcement Services**

OFFICE ADDRESS:

**4700 River Road, Unit 85
Riverdale, MD 20737**

SIGNATURE

DATE ISSUED

2/1/11

TELEPHONE NO.

(301) 734-8684

FOR PERSONAL SERVICE - RECEIVED BY: (Name and signature)

DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO:

The Horse Protection Regulations restrict foreign substances as follows:

9 C.F.R. § 11.2(c) Prohibition concerning exhibitors – Substances

c) Substances. All substances are prohibited on the extremities above the hoof of any Tennessee Walking Horse or racking horse while being shown, exhibited, or offered for sale at any horse show, horse exhibition, or horse sale or auction, except lubricants such as glycerine, petrolatum, and mineral oil, or mixtures thereof: Provided, that:

- (1) The horse show, horse exhibition, or horse sale or auction management agrees to furnish all such lubricants and to maintain control over them when used at the horse show, horse exhibition, or horse sale or auction.
- (2) Any such lubricants shall be applied only after the horse has been inspected by management or by a DQP and shall only be applied under the supervision of the horse show, horse exhibition, or horse sale, or auction management.
- (3) Horse show, horse exhibition, or horse sale or auction management makes such lubricants available to Department personnel for inspection and sampling as they deem necessary.

USDA Horse Protection Program

Protocol for Foreign Substance Penalty

Beginning June 1, 2008, USDA will take the following actions in response to a foreign substance violation detected by a USDA inspector through use of the Gas Chromatography/Mass Spectrometry (GC/MS) Test:

1st offense: Issue official USDA warning (Form 7060) for violation of Federal Regulations to all parties involved.

2nd offense: Issue official USDA warning (Form 7060) for violation of Federal Regulations to all parties involved.

3rd offense: Offer a stipulation to the alleged violator in accordance with the Horse Protection Act Regulations (9 C.F.R. § 12.10). If the alleged violator does not accept the stipulation, USDA will initiate an administrative enforcement action (commonly known as a "Federal case").

4th offense: USDA will initiate an administrative enforcement action (commonly known as a "Federal case").

Additional Information

- Samples for the GC/MS test will be randomly collected by USDA officials only.
- Tests will be conducted by USDA APHIS National Veterinary Services Laboratories in Ames, IA.
- Turnaround time of results may vary. To ensure that alleged violators have adequate notice to adjust their practices after learning of a violation, USDA will not consider a second offense to have occurred for any foreign substance detected by a GC/MS test from the time of the first offense to the time the alleged violator has received notice of the first offense.
- USDA will notify the alleged violator of the specific foreign substance or substances detected concurrently with the notification of the penalty.
- If multiple horses of an alleged violator are tested at one show competition, only one penalty will be applied.

USDA will focus its prosecutorial discretion on foreign substances that are considered irritants, numbing, and masking agents.

Definition of Foreign Substance

As stated in the Horse Protection Regulations, Sec. 11.2 (c):

(c) Substances. All substances are prohibited on the extremities above the hoof of any Tennessee Walking Horse or racking horse while being shown, exhibited, or offered for sale at any horse show, horse exhibition, or horse sale or auction, except lubricants such as glycerine, petrolatum, and mineral oil, or mixtures thereof: Provided, That:

(1) The horse show, horse exhibition, or horse sale or auction management agrees to furnish all such lubricants and to maintain control over them when used at the horse show, horse exhibition, or horse sale or auction.

(2) Any such lubricants shall be applied only after the horse has been inspected by management or by a DQP and shall only be applied under the supervision of the horse show, horse exhibition, or horse sale, or auction management.

(3) Horse show, horse exhibition, or horse sale or auction management makes such lubricants available to Department personnel for inspection and sampling as they deem necessary.

ANIMAL CARE HORSE PROTECTION
Revised 09/01/2008